

FILED

MAY 23 2016

*Clerk, U S District Court
District Of Montana
Missoula*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOGAN RIVERS WENIGER,

Defendant.

CR-16-42-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of conspiring to distribute 500 or more grams of methamphetamine in violation of 21 U.S.C. § 846 (Count I) and one count of possession of firearms in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count V), as set forth in the Superseding Indictment. Defendant further admits to the first forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II,

IV, VI, VII, and VIII of the Superseding Indictment, as well as the second and third forfeiture allegations.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas to the criminal offenses charged against him, and an informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charges against him and the consequences of pleading guilty to the charges;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

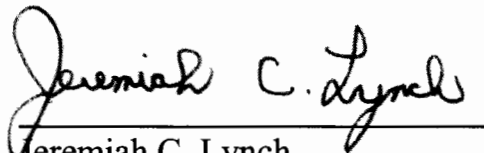
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offenses charged against him, and admitting to the allegation of forfeiture;

5. That both his pleas of guilty to the criminal offenses charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offense charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty Counts I and V of the Superseding Indictment, and that sentence be imposed. I further recommend that Counts II, IV, VI, VII, and VIII of the Superseding Indictment be dismissed. I further recommend that the first forfeiture allegation be imposed against Defendant, and the second and third forfeiture allegations be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 23rd day of May, 2016.


Jeremiah C. Lynch
United States Magistrate Judge